

*Approved*

***City of York Planning Commission***

***June 29, 2020***

***Minutes***

***\*\*\*Virtual Meeting\*\*\****

Members present:

Acting Chairperson Betty Johnson  
Arthur Lowry  
Ron Parrish  
Francine Mills  
Matt Hickey

Members absent:

Wendy Duda  
Amanda Berry

Others present:

Planning Director Breakfield  
Zoning Administrator Blackston  
Public Information Officer Fritz  
Laurin Patton  
Kelly Sellars  
Shaun Gasparini  
Brandon Pridemore  
Jonathan Murdock  
Derrick Boyte

Acting Chairperson Betty Johnson called the meeting to order at 3:00 pm, verbally polled individual Commission members to confirm attendance and stated the following:

1. Due to the COVID-19 pandemic, York City Council adopted an emergency ordinance allowing meetings to be conducted exclusively through the use of electronic, computer-based medium.
2. The City has chosen to conduct the meeting through the use of GoToMeeting while streaming on Facebook Live.
3. The willingness of everyone to adapt to this new environment and adjust to the new format is greatly appreciated.
4. Each Commission member must individually vote by voice on each Motion (yay or nay).
5. Any Commission member that wishes to abstain from a vote must state the reason for such abstention.
6. Each person should be identified before speaking.
7. Each person should mute microphone unless speaking.

**The first item of business** was approval of the draft Minutes from the May 26, 2020 meeting. Upon a Motion by Arthur Lowry, seconded by Matt Hickey, the Commission unanimously approved the draft Minutes as submitted.

**The second item of business** was a home occupation application for 25 Green Street for a company that offers directional drilling and boring. The applicants want to use an area in their home as an office for administrative work for the business. It was noted that action on the application was tabled at the May 26<sup>th</sup> Planning Commission meeting due to the applicant not being present to answer questions. Upon a Motion by Ron Parrish, seconded by Arthur Lowry, the Commission unanimously denied the application as submitted due to the applicant not being present to discuss the application.

**The third item of business** was a rezoning application for property referenced by tax map Id #0701307024 to be rezoned entirely to HC – Highway Commercial.

Planning Director Breakfield indicated the following regarding the application:

- a. The property is split-zoned R7 – Residential and HC – Highway Commercial and is located near the intersection of Highway 321 Bypass and Highway 49 (tax map Id # 0701307024).
- b. The subject property is located near the intersection of two (2) major highways; as such, the Comprehensive Plan generally suggests that such property should be reserved for high impact development (be it commercial, residential or a combination thereof).
- c. The Future Land Use Map in the 2019 Comprehensive Plan recommends that the property should be used residentially; however, recommendations on the Future Land Use Map may be changed by City Council after recommendation from the Planning Commission as long as both entities detail the reasoning behind the decision. The Future Land Use Map is a global vision of property usage not a detailed property-by-property review of appropriate land usage.
- d. The property across Highway 321 Bypass is zoned/used for commercial purposes while the area behind the subject property is currently used as and designated for residential usage.
- e. As with any rezoning application, the Planning Commission must review the application and render a recommendation to City Council. Council would then hold public hearing(s) on the matter and render a final decision.

After discussion and upon a Motion by Ron Parrish, seconded by Arthur Lowry, the Commission unanimously recommended to rezone the entire parcel to HC – Highway Commercial zoning.

**The fourth item of business** was special exception application to add a lot to the previously - approved Phase 3 portion of Austen Lakes Subdivision near the intersection of Gants Road and Whitehall Hill Road.

Planning Director Breakfield indicated the following regarding the application:

- a. The subject property is located in a R5 – Multifamily Residential zoning district.
- b. In a R5 – Multifamily Residential zoning district, single family dwelling subdivisions are allowed only by special exception approval. The Planning Commission must review each such application and then render a recommendation to the Board of Zoning Appeals. The Board of Zoning Appeals would then hold a public hearing to consider the application and your recommendation and ultimately render a final decision on the matter.
- c. Phase 3 of Austen Lakes Subdivision was previously approved by the Planning Commission and Board of Zoning Appeals.
- d. The applicant requests a special exception to revise the previously-approved layout by adding a lot where access to open space currently exists. The letter included in the meeting

packet from Derrick Boyte with Power Engineering explained the reasoning behind the request for the additional lot.

- e. If the application is approved as submitted, the distance to an open space access point will be increased for many of the lots and overall open space area will be decreased.
- f. As you consider the request, here are some issues to keep in mind:
  - Should an open space access point be provided in relative close proximity to the original access point (even if the width is greatly reduced)?
  - Should enhanced open space amenities for that section of the subdivision (for example, walking trails, arbor/pergola, etc.) be provided?

After discussion and upon a Motion by Matt Hickey, seconded by Arthur Lowry, the Commission unanimously made a recommendation to conditionally approve the special exception application based on the property accessing the open space being maintained (including buffers between homes) and clearly identified.

**The fifth item of business** was a special exception application for the proposed single family dwelling, Phase 5 development of Austen Lakes Subdivision.

Planning Director Breakfield indicated the following regarding the application:

- a. The subject property is located in a R5 – Multifamily Residential zoning district.
- b. In a R5 – Multifamily Residential zoning district, single family dwelling subdivisions are allowed only by special exception approval. The Planning Commission must review each such application and then render a recommendation to the Board of Zoning Appeals. The Board of Zoning Appeals would then hold a public hearing to consider the application and your recommendation and ultimately render a final decision on the matter.
- c. At the May 26<sup>th</sup> Planning Commission meeting, the Commission reviewed a special exception application/drawings for a proposed 66-lot, single family dwelling, Phase 5 section of the existing Austen Lakes Subdivision. In reviewing the special exception application, the Commission considered a number of factors including the following mandated criteria:
  - The proposed design and location of the particular development.
  - The possible traffic-generating characteristics of the proposed development.
  - The effects of the proposed development on the present or intended character of the area in which it is proposed for location.
  - The availability of public utilities, facilities and services.

- d. After significant discussion at the May 26<sup>th</sup> meeting, the Planning Commission tabled action on the application and requested that the applicant submit revised drawings that addressed the following:
- The housing density should be lowered.
  - Enhanced architectural standards for the housing units should be provided.
  - Enhanced recreational amenities should be provided.
- e. Pursuant to Planning Commission action, the applicant submitted the revised drawings as well as a detailed narrative showing how each Planning Commission concern was addressed including illustrative pergola/arbor examples for the open space. The referenced information was provided in your meeting packet.
- f. The applicant has improved the exterior architectural requirements, committed to a pergola/arbor structure in the open space and reduced the proposed housing density. The proposed architectural requirements exceed those mandated for the rest of the subdivision and the pergola/arbor structure overlooking the lake seems like a great amenity for the community especially in conjunction with the proposed trail system. The proposed density (3.8) is slightly above the range of recently-approved projects (3.3-3.6); however, since the revised proposal represents the final phase of a multi-phase project and the originally-discussed density (multifamily housing) for this phase was far higher than that proposed in this request, any Planning Commission decision should not set a precedent for future decisions on newly-proposed projects.

After discussion and upon a Motion by Matt Hickey, seconded by Francine Mills, the Commission unanimously made a recommendation to conditionally approve the special exception application based on a more significant buffer being added between the Cotton Bloom Court lots and Phase 5.

There being no further business, the meeting was adjourned at 3:43 pm.

Respectfully submitted,

C. David Breakfield, Jr. MCP, AICP  
Planning Director

cc: File – Planning Commission 6/29/2020  
Seth Duncan, City Manager